



NEUROPACE INC
255 SANTA ANA COURT
SUNNYVALE CA 94085

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MAR 26 2003

OFFICE OF PETITIONS

In re Application of
Benjamin D. Pless
Application No. 09/706,322
Filed: November 3, 2000
Attorney Docket No. N11-00

DECISION ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 18, 2003, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed January 18, 2001. This Notice set a period for reply of two months from the mail date of the Notice to submit an executed oath or declaration in compliance with 37 CFR 1.63 (with a surcharge for its late filing). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received, the above-identified application was held abandoned on March 19, 2001. A Notice of Abandonment was mailed on December 23, 2002.

A review of the application file reveals that the above-identified application was in fact filed with a declaration in compliance with 37 CFR 1.63. In fact, the declaration submitted used form PTO/SB/01A (declaration for utility or design application using an application data sheet). In particular, the declaration stated that it was directed to the attached specification (see 37 CFR 1.63(b)(1)), identified the name and citizenship of the inventor and was executed by the inventor (see 37 CFR 1.63(a), and included the mailing address and residence of the inventor on an application data sheet submitted with the application (see 37 CFR 1.63(c)). In view thereof, the Notice to File Missing Parts of Nonprovisional Application was mailed in error.

Accordingly, the Notice to File Missing Parts of Nonprovisional Application is **VACATED**.

The holding of abandonment is **WITHDRAWN**.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

Receipt of the Change of Correspondence Address, submitted with the instant petition, is acknowledged. Future correspondence concerning this application will be mailed to the above address of record.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions